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Microsoft Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CRAIG THORNER,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No.: 3:13-cv-03426(MLC)(DEA)

**DEFENDANT'S NOTICE OF MOTION
FOR SUMMARY JUDGMENT OF
NON-INFRINGEMENT**

MOTION DAY: DECEMBER 2, 2013

ORAL ARGUMENT REQUESTED

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that on December 2, 2013 or on a date set by the Court, the undersigned, as counsel for Defendant/Counterclaimant Microsoft Corporation ("Defendant"), shall move this Court, the Honorable Judge Mary L. Cooper, U.S. District Judge, Court Room 5W at the Clarkson S. Fisher Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment of non-infringement by Microsoft Corporation of U.S. Patent No. 6,422,941. Defendant's motion seeks to dismiss Plaintiff's claims in their entirety.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant shall rely upon the Memorandum submitted herewith, Defendant's Rule 56.1 Statement of Undisputed Facts, the Declaration of Dennis Hopkins, Esq. and all exhibits referenced therein, and upon all pleadings, papers and proceedings on file in this action.

PLEASE TAKE FURTHER NOTICE that oral argument is requested in connection with this motion.

PLEASE TAKE FURTHER NOTICE that a Proposed Order granting the Defendant's motion is filed herewith.

DATED: October 29, 2013

Respectfully submitted,

PERKINS COIE LLP

By: /s/ Dennis Hopkins

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